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Attorneys for Defendant Spencer Taylor

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

KATE GRANT, and KARMANN KASTEN,
LLC

Plaintiffs,

v.

KEVIN LONG; MILLCREEK
COMMERCIAL PROPERTIES, LLC;
COLLIERS INTERNATIONAL; BRENT
SMITH; SPENCER TAYLOR; BLAKE
MCDUGAL; and MARY STREET,

Defendants.

**DEFENDANT SPENCER TAYLOR'S
SHORT FORM DISCOVERY MOTION
TO STAY DEPOSITION**

Case No. 2:23-CV-00936-DAO

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

Defendant Spencer Taylor seeks a protective order pursuant to DUCivR 30-1(d) and 37-1 to prevent him from having to sit for three separate depositions in three separate matters currently pending before the Court that involve common questions of law and fact, even while a fully briefed Joint Motion to Consolidate Related Cases (Doc. 56) is pending before the Court in *Patti Klair v. Kevin Long, et. al.*, Case No. 2:23-cv-407.

Taylor is currently a named defendant in three separate lawsuits in the United States District Court for the District of Utah, including *Chris Wilson v. Kevin Long, et. al.*, Case No. 2:23-cv-599-HCN-JCB; *Patti Klair v. Kevin Long, et. al.*, Case No. 2:23-cv-407 (the “*Klair* Case”); and the above-captioned matter, *Kate Grant v. Kevin Long, et. al.*, Case No. 2:23-cv-936-DAO (collectively, the “Millcreek Cases”). Each of the Millcreek Cases were filed in a period of approximately 7 months, and many of the allegations across all three cases are word-for-word identical. On April 29, 2024, Taylor joined certain other defendants in filing a Joint Motion to Consolidate (the “Motion”) in the *Klair* Case. *See* Docket No. 57. Other parties to the Motion include Kevin Long, Millcreek Commercial, LLC, Colliers International, Andrew Bell, Trevor Weber, Blake McDougal, Scott Rutherford, Equity Summit Group, and Elevated 1031 (collectively, the “Motion Defendants”). The Motion is currently pending before the Court in the *Klair* Case.

Fact discovery in this case concludes on **January 10, 2025**. Counsel for Plaintiff nevertheless has pushed forward with discovery in this case, including by issuing multiple sets of discovery requests and demanding deposition dates (while discovery in the other Millcreek Cases has not progressed). In the meantime, Taylor has responded to written discovery requests in good faith. However, on July 10, 2024, counsel for Motion Defendants provided written notice that they would object to scheduling depositions until the Motion has been resolved. As explained by Motion Defendants’ counsel, proceeding with depositions would undermine one of the goals and purposes of the Motion—to prevent unnecessary, significant, and duplicative costs. In response, Plaintiff’s counsel refused to wait until the Motion to Consolidate has been resolved and sent a deposition notice to Taylor for August 13, 2024.

There is ample time in the current Scheduling Order to allow the Court to rule on the

pending Motion and for Plaintiff to complete Taylor's deposition. Plaintiff chose to file her case separately from other then-pending Millcreek cases while, at the same time, simply copying many of the allegations from those cases into her own Complaint. As a result, Plaintiff's claims extensively overlap with the claims asserted by the plaintiffs in the other Millcreek Cases, thereby making her claims largely co-extensive. Taylor should not be unfairly prejudiced by Plaintiff's tactical decisions to benefit herself.

CERTIFICATION

The parties made reasonable efforts to resolve this discovery dispute through written correspondence as detailed above and a telephonic conference on July 16, 2024, involving Steven Christiansen on behalf of Plaintiff and Nathan Jepson on behalf of Taylor.

DATED this 22nd day of July 2024.

RAY QUINNEY & NEBEKER P.C.

/s/Nathan L. Jepson

Justin T. Toth
Maria E. Windham
Nathan L. Jepson

Attorneys for Defendant Spencer Taylor

CERTIFICATE OF SERVICE

I hereby certify on this 22nd day of July 2024, I caused a true and correct copy of the foregoing **DEFENDANT SPENCER TAYLOR'S SHORT FORM DISCOVERY MOTION TO STAY DEPOSITION** to be filed via the Court's electronic filing system, which automatically provides notice to counsel of record.

/s/ TerriAnne Gillis